

# APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JAN 17 1980

Returned to applicant for correction

Corrected application filed. Map filed JAN 17 1980 under 40331

The applicant Unincorporated Town of Montello, Nevada c/o Boyack Surveying, Inc.

515 South Fifth Street of Elko  
Street and No. or P.O. Box No. City or Town

Nevada, 89801 hereby makes application for permission to change the  
State and Zip Code No.

Point of Diversion, Manner and Place of Use

of water heretofore appropriated under Certificate 1769 - Appln. No. 8935

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Killian Springs No. 1  
Name of stream, lake, underground, spring or other source.

2. The amount of water to be changed 0.05 cfs  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Municipal  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore used for General Railroad and Domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point Lot 2 Section 33, T 38 N, R 70 E, MDB & M.  
at a point from which the NE Corner of said Section 33 bears N 43° 33' 20" E  
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be  
1355.05 feet.  
stated.

6. The existing point of diversion is located within Lot 12 Section 28, T 38 N, R 70 E, MDB & M.,  
(no tie given).  
If point of diversion is not changed, do not answer.

7. Proposed place of use N1/2; N1/2 SW1/4; SW1/4 SW1/4; NW1/4 SE1/4 Section 17, T 39 N,  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
R 69 E, MDB & M., (that portion of the above lying Northerly of the Southerly  
Right-of-Way Line of the Southern Pacific Railroad.

8. Existing place of use NE1/4 SW1/4 Section 17, T 39 N, R 69 E, MDB & M.  
Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.

9. Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day

10. Use has been from January 1 to December 31 of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
Works of diversion in Lot 2 Section 33, T38N,  
specifications of your diversion or storage works.) R70E, consists of stone masonry boxes placed in  
excavations in the spring areas, back State manner in which water is to be diverted, whether by dam or other works,  
filled with rubble rock and covered with earth. The water is conveyed in a southwest-  
erly direction by means of 1107 feet of 2 inch galvanized iron pipe to a 4 inch Main  
whether through pipes, ditches, flumes, or other conduits. Pipe Line from Killian and other springs in the state  
of Utah. Works of diversion in Lot 6, Section 33, T38N, R70E, consists of a concrete  
box and the water is conveyed in a northwesterly direction by means of 940 feet of 2  
inch galvanized iron pipe to the 4 inch Main Pipe Line mentioned above. The water  
from the above described diversions co-mingled with water flowing from the Killian and  
other springs in the state of Utah, is conveyed in a northwesterly direction, respec-  
tively thru 2154 feet of 4 inch pipe, 4492 feet of 6 inch pipe, 4232 feet of 4 inch  
pipe, 2528 feet of 6 inch pipe, and 50, 530 feet of 8 inch pipe to a 350,000 gallon  
steel tank in Montello, Nevada located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 17, T39N, R69E. From  
the steel tank the water is distributed by a system of pipelines to the Town of  
Montello, Nevada.

12. Estimated cost of works.....\$50,000
13. Estimated time required to construct works.....3 years
14. Estimated time required to complete the application of water to beneficial use.....5 years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This filing is for Municipal Use for the Town of Montello, Nevada. For additional information see maps filed under application 8934. Annual consumptive use is 10,000,000 gallons.

Compared b1/ jk gk/bc Applicant Unincorporated Town of Montello, Nevada

By s/Alan S. Boyack  
Alan S. Boyack  
515 South Fifth Street  
Elko, Nevada 89801

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner of use, and place of use of the waters of Killian Springs No. 1 as heretofore granted under Permit 8935, Certificate 1769, is issued subject to the terms and conditions imposed in said Permit 8935, Certificate 1769, and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

The total combined duty of water under this permit and Permits 40335, 40336, and 40338 shall not exceed 10.0 million gallons annually.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.05 cubic feet per second, but not to exceed 10.0 million gallons annually.

Actual construction work shall begin on or before October 3, 1981

Proof of commencement of work shall be filed before November 3, 1981

Work must be prosecuted with reasonable diligence and be completed on or before October 3, 1982

Proof of completion of work shall be filed before November 3, 1982

Application of water to beneficial use shall be made on or before October 3, 1985

Proof of the application of water to beneficial use shall be filed on or before November 3, 1985

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed NOV 15 1982

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I WILLIAM J. NEWMAN  
State Engineer of Nevada, have hereunto set my hand and the seal of  
my office, this 3rd day of APRIL  
A.D. 19 81  
William J. Newman  
State Engineer